

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1335 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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GOPAL MOHANDAS -DIED THRO'HEIRLAXMIBEN WD/O GOPALDAS & 3 ORS

Versus

SUGANOMAL MANGANMAL

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Appearance:

Mr.V.M.Dhotre, for Petitioners

MR RN SHAH for Respondent No. 1

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 07/04/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.R.N.Shah,  
learned Advocate for the respondent.

2. After some amount of submission the parties  
negotiated the matter for settlement and they have now  
placed on record the consent terms signed by the parties.

3. The petitioners No.1 and 4 respectively Laxmiben and Naresh are present before the Court. Naresh states before the Court that he has become major and now he is 21 years of age. Petitioner No.1 also states before the Court that petitioner No.3 is also major, aged 24 years, and petitioners No.2 & 3 both are now married. Mr.Dhotre signed on their behalf with authority to compromise the matter. The respondent landlord is present in the Court. The parties present and their learned Advocates admit the terms of compromise. It has been recited in the compromise purshis that the suit premises consist of two rooms, out of which one has the construction already made by the Government and another room is constructed in the open plot. The parties have agreed that the room admeasuring 12 x 10 ft. constructed by the Government and the open land admeasuring 10 x 10 ft. appurtenant on the front side as well as on the rear side has been agreed to be sold to the petitioners for the consideration of Rs.10,000/- and the parties are to bear expenses of documentation and registration in equal proportion. The parties have also agreed to enter into the registered Sale Deed within two months from today. The parties have recited in Clause No.6 that the room admeasuring 10 x 10 ft. constructed in open plot has been handed over to the respondent. The possession of the said room has been handed over accordingly along with appurtenant land admeasuring 10 x 10 ft., both in the front as well as in the rear side of the room. It has finally been recited that the petitioners would be liable to pay municipal taxes, education cess, electricity bill, etc. in respect of both the rooms for a period prior to today and the respondent would be liable to pay municipal tax, education cess, electricity bill, etc. for the period commencing from today in respect of the room in the open plot.

4. In view of aforesaid consent terms the Decree for possession will not survive. Rule is made absolute accordingly.

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